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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,010	03/20/2001	Patrick Thomas O'Connor	P668D1	7443

24739 7590 02/27/2004

CENTRAL COAST PATENT AGENCY
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EXAMINER

KANOF, PEDRO R

ART UNIT PAPER NUMBER

3628

DATE MAILED: 02/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

09/814,010

Applicant(s)

O'CONNOR

Examiner

Pedro Kanof

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 20 March 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

Claim Objections

1. Claim 20 is objected to because of the following informalities: claim 20, a method claim, depends on claim 10, a system claim. Claim 10 and claim 20 contain the same limitation with exception that claim 10 is a system claim and claim 20 is a method claim. The examiner believes this is a typographical error and will consider claim 20 as dependent upon claim 11, the independent method claim. Appropriate correction is required.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321© may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

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3. Claims 1-20 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No. 09/323,599. Although the conflicting claims are not identical, they are not patentably distinct from each other because the scope of claims 1-20 of the instant application are ^{fully} covered by claims 1-20 of the instant application.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

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5. Claims 1-7, 10-17, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Cummings Jr. et al. (Cummings hereinafter: U.S. Patent No. 6,345,260).

Claims 1 and 11: Cummings discloses an Internet-enabled appointment and reservation service system, and a method, comprising:

an Internet-connected appointment server executing a software suite (Col. 2, lines 10-36, and col. 4, lines 55-59); and

one or more subscribing businesses to the service, the businesses having receiving apparatus enabling receipt of appointment schedules from the appointment server (Col. 2, lines 37-40, and col. 5, lines 49-51);

wherein the appointment server presents an interactive interface (Col. 2, lines 43-49) to browsing clients, the interactive interface enabling the clients to select the businesses and make an appointment or reservation with the businesses, and wherein the appointment server periodically provides updated appointment schedules to the subscribing businesses via the receiving apparatus.(Col. 2, lines 50-63; Col. 5, lines 49-51; Col. 7, lines 55-58; Col. 8, lines 2-10).

Claims 2 and 12: Cummings discloses an Internet-enabled appointment and reservation service system of claim 1, and a method of claim 11, wherein the receiving apparatus at individual ones of the subscribing businesses comprises an Internet-capable personal computer with a video display unit (PC/VDU)(Col. 2, lines 21-29, and col. 5, lines 32-35).

Claims 3 and 13: Cummings discloses an Internet-enabled appointment and reservation service system of claim 2, and a method of claim 12, wherein the PC/VDU executes software providing periodic connection to the appointment server, downloading

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of updated versions of an appointment schedule during the periodic connection, and display of the appointment schedule on the video display unit (Col. 9, lines 60-67).

Claims 4 and 14: Cummings discloses an Internet-enabled appointment and reservation service system of claim 1, and a method of claim 11, wherein the appointment server groups subscribing businesses into geographically-related groups and presents an interactive series of interfaces to a client allowing the client to select a group (Col. 2, lines 55-61).

Claims 5 and 15: Cummings discloses an Internet-enabled appointment and reservation service system of claim 4, and a method of claim 14, wherein the appointment server, after a client selects a group, presents an interactive interface to the client presenting types of businesses in the selected group, enabling the client to select a business type (Col. 2, lines 4-9 and 61-63).

Claim 6 and 16: Cummings discloses an Internet-enabled appointment and reservation service system of claim 5, and a method of claim 15, wherein the appointment server, after a client selects the business type, presents an interactive interface indicating individual businesses of the selected type to the client, enabling the client to select an individual business (Col. 2, lines 4-63).

Claim 7 and 17: Cummings discloses an Internet-enabled appointment and reservation service system of claim 6, and a method of claim 16, wherein the appointment server, after the client selects the individual business, presents an interactive interface to the client, allowing the client to make an appointment with the business (Col. 2, lines 10-13).

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Claim 10 and 20: Cummings discloses an Internet-enabled appointment and reservation service system of claim 1, and a method of claim 11, wherein the appointment server cooperates with a pager facility to page-alert clients of a scheduled appointment (Col. 7, lines 55-58).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 8, 9, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cummings.

Cummings does not explicitly disclose that the indication of individual businesses includes multimedia advertising material for individual ones of the businesses and the advertising material presents a hyperlink to a direction service for aiding a consumer in locating the business.

However, in Col. 6, lines 61-67 and Col. 7, lines 32-42 thereof, Cummings states the selection of "the best one or several suited," and the operation "through a conventional Internet service provider,". Further it is well known in the art that Internet service provider provides a multimedia advertising material for individual ones of the

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businesses and an advertising material hyperlinking to a direction service for aiding a consumer in locating the business. Thus, it would have been obvious to one of ordinary skill in the art to modify the system and method of Cummings by providing the claimed limitation to assist customers' selection process.


Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exr. Pedro R. Kanof whose telephone number is (703) 308-9552. The examiner can normally be reached on weekdays from 7:30 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Hyung Sough, can be reached on (703) 308-0505. The fax phone numbers for this Group are: Customer Service (703) 872-9325, Before Final (703) 872-9326, and After Final (703) 872-9327.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113.

PRK-02/20/04.


HYUNG SOUGH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600